

MAIN ROADS (AMENDMENT)
ACT.

Act No. 15, 1929.

George V,
No, 15, 1929,

An Act to amend the Main Roads Act, 1924--1927 ;
to confer certain further powers upon the
Main Roads Board; to amend the Local
Government Act, 1919, and certain other
Acts; to validate certain payments and
other matters; and for purposes connected
therewith. [Assented to, 8th April, 1929.]

BE

BE it enacted by the King's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and Legislative Assembly of New South Wales in Parliament assembled, and by the authority of the same, as follows:—

No. 15, 1929.

1. (1) This Act may be cited as the "Main Roads (Amendment) Act, 1929," and shall be read and construed with the Main Roads Act, 1924-1927, in this Act referred to as the Principal Act.

Short title, citation, &c.

(2) The Principal Act, as amended by this Act, may be cited as the "Main Roads Act, 1924-1929."

2. The Principal Act is amended by omitting subsection two of section one, and by inserting in lieu thereof the following new subsections:—

Amendment of Act No. 24, 1924, s. 1.

(2) This Act shall apply to the Eastern and Central Divisions of the State, and to those portions of the municipalities of Balranald and Hillston which are in the Western Division of the State, but shall not (except where specifically so provided) apply to the city of Sydney.

(Application of Act.)

(3) This Act shall apply to the remaining portion of the Western Division to such an extent and in such regard only as is specifically provided.

3. The Principal Act is further amended—

Further amendment of Act No. 24, 1924, s. 3.

(a) by inserting in section three at the end of the definition of the word "area" the following words: "and any irrigation area within which or with regard to which this Act applies";

(Interpretation.)

(b) by omitting from the same section the definition of the word "Construct" and by inserting in lieu thereof the following definition:—

"Construct" includes "reconstruct" and also "carry out any permanent improvement"; and "construction" has a corresponding meaning.

(c) by omitting from the same section the definition of the word "Council" and by inserting in lieu thereof the following definition:—

"Council" means the council of any municipality or shire and includes the Municipal Council of Sydney; and in relation to any irrigation area

or

or part thereof which is not a municipality or shire includes the Water Conservation and Irrigation Commission.

- (d) by inserting in the same section after the definition of "Country main road" the following definition:—

"Country State highway" means a State highway outside the county of Cumberland.

- (e) by inserting in the same section after the definition of "Metropolitan main road" the following definition:—

"Metropolitan State highway" means a State highway in the county of Cumberland.

- (f) by inserting in the same section after the definition of "Minister" the following definition:—

"Ordinary main road" means a main road not proclaimed a State highway or a trunk road.

- (g) by inserting in the same section after the definition of "Public road" the following definition:—

"State highway" means any main road being a principal avenue of road communication between the coast and the interior or throughout the State and connecting with such avenues in other States, and proclaimed a State highway under this Act or any part of such State highway.

- (h) by inserting in the same section after the definition of "Treasurer" the following definition:—

"Trunk road" means any main road being a secondary avenue of road communication forming with the State highways and other trunk roads a framework of a general system of intercommunication throughout the State and proclaimed a trunk road under this Act or any part of such trunk road. (i)

- (i) by omitting from subsection two of section four the words "municipality or shire" and by inserting in lieu thereof the word "area."

No. 15, 1929.

Sec. 4.

(Adaptation of Acts.)

4. (1) The Principal Act is further amended by omitting subsection two of section seven and by inserting in lieu thereof the following subsection:—

Further amendment of Act No. 24, 1924.

(2) (a) The Board may appoint and employ such officers as it thinks necessary to assist in the execution of this Act and shall, subject to the provisions of the Industrial Arbitration Act, 1912, as amended by subsequent Acts, determine the salaries, wages, allowances, and conditions of employment of officers so appointed.

Upon the recommendation of the Board ordinances may also be made under the Local Government Act, 1919, regulating the conditions and terms of employment of officers and employees of the Board.

The provisions of sections five hundred and seventy-five to five hundred and seventy-nine of the Local Government Act, 1919, both inclusive, shall, mutatis mutandis, apply to such ordinances.

(b) Any officer of the Public Service appointed to the service of the Board either before or after the commencement of this section shall—

- (i) have the same right to consideration for any appointment in the Public Service as is provided by the Public Service Act, 1902, for an officer of the Public Service;
- (ii) continue to contribute to the Superannuation Fund in accordance with the Superannuation Act, 1916, and be entitled to the benefits under that Act in respect of which he has contributed;
- (iii) be entitled to retain any rights accrued or accruing under the Public Service Act, 1902, or any Act amending the same in respect of leave or otherwise.

Service in the Public Service shall be deemed service with the Board and the provisions of section fourteen of the Public Service (Amendment) Act, 1919, shall be deemed to extend to such officer.

(2)

No. 15, 1929.

(2) Any person appointed to any office on the staff of the Board under the provisions of subsection two of section seven of the Main Roads Act, 1924-1927, as originally enacted, and holding office at the commencement of this section, shall be deemed to have been appointed under subsection two of section seven of the Main Roads Act, 1924-1927, as inserted by this section.

(3) This section shall commence on a day to be appointed by the Governor, and proclaimed.

Further amend-
ment of Act No.
24, 1924, s. 8.
(Proclamation of
main roads.)

5. The Principal Act is further amended—

- (a) (i) by inserting in subsection one of section eight the words “and by the same or a subsequent proclamation give and notify numbers and names to each main road” ;
- (ii) by inserting at the end of the same section the following subsections :—

(8) It shall not be necessary to proclaim any correction of a route of a main road, or any relocation of or alteration to the route of any portion of a main road adopted by or with the approval of the Board for the purpose of securing better alignment or gradients, or making better provision for public service.

This subsection shall be deemed to have come into operation at the commencement of this Act.

(9) The Governor may, from time to time, on the recommendation of the Board, reproclaim any main road, or the list of main roads, correcting or amplifying the particulars, defining the routes, and rearranging the numbers and names of any main roads.

It shall not be necessary for the Board to give any notice under section forty-four prior to such reproclamation.

Sec. 9.
(Application
of Part IV.)

- (b) by inserting in subsection three of section nine after the word “Mountains” the words “together with that portion of the Bulli Shire which is included in and within the zig-zag section of the Bulli Pass main road, and those portions

portions of the Colo Shire and the Blaxland Shire which comprise main road number one hundred and eighty-four and the land lying between that road, and the Blue Mountains Shire”;

No. 15, 1929.

(c) (i) by omitting paragraph (c) of subsection one of section ten ; and

Sec. 10.

(Cumberland
Main Roads
Fund.)

(ii) by inserting at the end of the same subsection the following new paragraphs:—

(h) loans raised by councils for the construction of main roads in the county of Cumberland under the provisions of section 181c of the Local Government Act, 1919 ;

(i) any moneys received by the Board from tolls, fees, or charges in connection with any bridge, ferry, or other thing in the county of Cumberland.

Where a bridge or ferry is a boundary work between the county of Cumberland and the country, one half the tolls or charges received therefrom shall be paid into the County of Cumberland Main Roads Fund.

(j) Any moneys paid to the Board for the credit of that Fund in pursuance of any Act ;

(d) by inserting at the end of section twelve the following new subsections:—

Sec. 12.

(Use of
Fund.)

(2) The Board shall pay from the County of Cumberland Main Roads Fund to the Federal Aid Roads Fund established under this Act such sums as, together with any moneys voted by Parliament towards works carried out under the Federal Aid Roads Agreement, are necessary to provide the quota of State moneys required under that agreement against the expenditure of Commonwealth moneys on main roads in the county of Cumberland.

(3) The Board shall on the thirtieth day of June in each year commencing on the thirtieth day of June, one thousand nine hundred and thirty-seven

120 Main Roads (Amendment) Act.

No. 15, 1929.

thirty-seven, pay from the county of Cumberland Main Roads Fund into the sinking fund provided under the Federal Aid Roads Agreement an amount equal to three pounds per centum per annum accruing from day to day on each amount of loan moneys included in an instalment provided by the State and expended on main roads in the county of Cumberland, until the amount paid into the sinking fund under subclauses two and three of clause four of the said agreement is sufficient to repay the loan moneys so appropriated.

Sec 13.
(Financial
adjustments.)

- (e) (i) by omitting from subsection two of section thirteen the word and figures "1923-24 and 1924-25" and by inserting in lieu thereof the word and figures "and 1923-24";
- (ii) by inserting after the word "roads" at the end of paragraph (a) of subsection four of the same section the words "prior to the first day of July, one thousand nine hundred and twenty-eight";
- (iii) by inserting after subsection four of the same section the following new subsection:—

(4A) The Board shall each year pay to the Treasurer from the County of Cumberland Main Roads Fund for the credit of Consolidated Revenue Fund and General Loan Account respectively such sums as may be required to provide for interest and repayment of loans appropriated for metropolitan main roads after the first day of July, one thousand nine hundred and twenty-eight, and required by the Treasurer to be repaid.

The terms and conditions of repayment shall be as agreed upon by the Board and the Treasurer.

Further
amendment
of Act No. 24,
1924.
New secs.
18A, 18B.

6. The Principal Act is further amended by inserting next after section eighteen the following new sections:—

18A. (1) Every secondary road shall be maintained by the council of the area in which it is situated to the satisfaction of the Board.

(2)

(2) If the council fails to maintain any such road, the Board may serve notice on the council requiring it to carry out, within a period to be named in the notice, such works of maintenance as are specified in the notice.

No. 15, 1929.
Maintenance of secondary roads.

If the council fails to comply with any such requirement the Board may carry out such works.

(3) Any costs and expenses of carrying out such works incurred by the Board shall be shared between the council and the Board in accordance with any agreement in that behalf, or, if there be none, in such proportions as the Board may decide:

Provided that the Board shall not require any council to contribute more than one-half of the cost of the work.

The council's share shall be repaid to the Board by the council within three months after the demand by the Board.

18B. (1) The Governor may, on the recommendation of the Board, proclaim any metropolitan main road to be a metropolitan State highway.

State highways.

(2) The Governor may on the recommendation of the Board, by proclamation amend or rescind any such proclamation.

7. The Principal Act is further amended—

(a) by omitting section nineteen and by inserting in lieu thereof the following section:—

Further amendment of Act No. 24, 1924.

19. (1) This Part shall apply to all areas which are wholly or partly outside the county of Cumberland and in the Eastern and Central Divisions of the State and to those parts of the municipalities of Balranald and Hillston which are in the Western Division of the State and shall apply in respect of the whole area or of the part, as the case may be.

Substituted s. 19. (Application of Part V.)

(2) This Part shall apply to the remaining portion of the Western Division to such extent and in such regard only as is specifically provided.

(b) (i) by omitting paragraph (b) of subsection one of section twenty;

Sec. 20. (County of Cumberland Main Roads Fund.)

(ii)

No. 15, 1929.

(ii) by inserting the following new paragraphs at the end of the same subsection :—

(g) any moneys received by the Board from tolls, fees, or charges in connection with any bridge, ferry, or other thing outside the county of Cumberland.

Where any bridge or ferry is a boundary work between the county of Cumberland and the country, one-half the tolls or charges received on account thereof shall be paid into the Country Main Roads Fund ;

(h) any moneys paid to the Board for the credit of that fund in pursuance of any Act.

Section 21.
Expenditure.

(c) (i) by inserting in subsection one of section twenty-one after the words "maintenance of country main roads" the words "including those in the Western Division referred to in subsection four of this section ;

(ii) by inserting after the word "roads" at the end of paragraph (a) of subsection two of the same section the words "prior to the first day of July one thousand nine hundred and twenty-eight" ;

(iii) by inserting at the end of the same section the following new subsections :—

(3) The Board shall in each year pay to the Treasurer from the Country Main Roads Fund for the credit of Consolidated Revenue Fund and General Loan Account respectively, such sums as may be required to provide for interest and repayment of loans appropriated for country main roads after the first day of July, one thousand nine hundred and twenty-eight, and required by the Treasurer to be repaid.

The terms and conditions of such repayment shall be as agreed upon by the Board and the Treasurer.

(1)

(4) After a date to be proclaimed the Board shall pay annually to the Minister for Public Works from the Country Main Roads Fund the sum of one thousand three hundred pounds for the assistance of the councils of the municipalities of Bourke, Brewarrina, Broken Hill, Cobar, Wentworth, and Wilcannia in the Western Division in the maintenance and construction of those portions of proclaimed main roads within those municipalities.

(5) The Board shall pay from the Country Main Roads Fund to the Federal Aid Roads Fund established under this Act such sums as, together with any moneys voted by Parliament and contributed by councils as provided for in this Part and Part VIA towards works carried out under the Federal Aid Roads Agreement, are necessary to provide the quota of State moneys required under that agreement against the expenditure of Commonwealth moneys incurred on main roads outside the county of Cumberland.

(c) The Board shall, on the thirtieth day of June in each year commencing on the thirtieth day of June, one thousand nine hundred and thirty-seven, pay from the Country Main Roads Fund into the sinking fund provided under the Federal Aid Roads Agreement an amount equal to three pounds per centum per annum accruing from day to day on each amount of loan moneys included in an instalment provided by the State and expended on main roads outside the county of Cumberland until the amount paid into the sinking fund under subclauses two and three of clause four of the said agreement is sufficient to repay the loan moneys so appropriated.

d)

No. 15, 1929.

New ss.
21A-21D.

- (d) by inserting the following new short headings and sections at the commencement of Division 3 of Part V :—

Classification of country main roads.

Country
State
highways and
trunk roads.

21A. (1) The Governor may, on the recommendation of the Board, proclaim any country main road to be a country State highway or a trunk road.

(2) The Governor may, on the recommendation of the Board, by proclamation amend or rescind any such proclamation.

(3) The roads which may be recommended by the Board as trunk roads shall be the secondary avenues of road communication forming with the State highways and other trunk roads a framework of a general system of intercommunication throughout the State.

Country State highways.

Decision as to
works.

21B. (1) The Board shall decide what works of construction or maintenance shall be carried out on a country State highway.

(2) Before deciding, the Board shall consider the representations, if any, of the councils of the areas in which the work will be situated.

Who to
execute the
work.

21C. (1) Where the Board has decided that any work of construction or maintenance is necessary on a State highway the Board may, except where authorised by the Governor to carry out the work, offer to place the carrying out of the work in the hands of the council, and to make an agreement with the council accordingly.

(2) Where an agreement is made, the Board shall pay the cost, or instalments thereof, from the Country Main Roads Fund to the council in trust, to be expended on the said works

works in accordance with the agreement, and the council shall account to the Board therefor, provided that—

- (a) where a country State highway coincides with any road of a city or town, and the Board decides to widen such road, the Board may arrange with any council through whose area the widening is carried out, to bear one-third of the cost of such widening; and
- (b) where a country State highway coincides with any road of a city or town, and water or gas mains or other public utilities exist in the road, the Board may make arrangements with the authority controlling the mains or public utility for the removal of the mains or public utilities to other positions in the road, and any council through whose area the removals take place shall, if the Board so requires it, reimburse the Board one-third of the costs and expenses so incurred by it;
- (c) any payment due to the Board in accordance with the preceding paragraphs shall be paid to the Board by a council within three months after demand by the Board.

(3) The Governor may, in any special case, direct that work be carried out by the Board.

(4) All work entrusted to a council shall be carried out to the satisfaction of the Board.

21D. Where at the first day of July, one thousand nine hundred and twenty-eight, any council owed the Board any sum of money in respect of the construction or reconstruction of any road which, prior to the first day of July, one thousand nine hundred and twenty-nine, is proclaimed a country State highway, the Board shall, upon payment by the council of the instalments of interest and principal and any

Arrange-
ments
entered into
with councils
prior to 1st
July, 1928.

No. 15, 1929.

any additional sum which fell due before the former date, write off any remaining balance of the debt, and any agreement between the Board and any council relating to such payments shall be cancelled, save so far as the agreement relates to works off that portion of the carriageway of the road with which the Board is concerned.

Sec. 22.
(Assistance
to councils.)

- (e) by inserting the following short heading immediately before section twenty-two:—

Trunk roads and ordinary main roads.

- (f) (i) by omitting subsection one of section twenty-four and by inserting in lieu thereof the following subsection:—

Contribution
by councils.

(1) the Board shall not require any council or group of councils to contribute more than one-third in the case of a trunk road, or one-half in the case of an ordinary main road, of the cost of any work of construction or maintenance for which assistance is granted by the Board.

Where any portion of the cost of the work is contributed to by the Commonwealth Government under the Federal Aid Roads Agreement, the council's contribution shall not exceed the above proportions of the State's share of such cost.

The Board may accept voluntary offers from councils to contribute a greater proportion of the cost of a work than is prescribed in this subsection.

The Board may also, where circumstances justify it, grant assistance to a greater extent than is so prescribed, even to the whole cost of a work.

- (ii) by inserting in paragraph (a) of subsection two of the same section, after the words "the work" the words "the probable life of the work";

(g)

- (g) by inserting after section twenty-seven the following new short heading and section :—

No. 15, 1929.

New s. 27A.

Western Division.

27A. (1) Subject to the provisions of section 21D of this Act, any agreement entered into between the Board and any of the councils of the municipalities of Bourke, Brewarrina, Broken Hill, Cobar, Wentworth, and Wilcannia, prior to the commencement of the Main Roads (Amendment) Act, 1929, in connection with works of maintenance or construction on main roads within those municipalities shall be carried out.

Saving of certain agreements.

(2) The Board shall not be concerned to see to the application of any moneys paid to any such council by the Minister for Public Works out of the amount paid by the Board to him in pursuance of section twenty-one, and the responsibility for its proper application shall rest upon the said Minister.

8. The Principal Act is further amended—

Further amendment of Act No. 24, 1924.

- (a) by inserting after section twenty-nine the following new section :—

New s. 29A.

29A. (1) Any bridge which is a national work and which is part of a developmental road may by proclamation be handed over either temporarily or permanently to the Board, and shall thereupon be maintained, managed, and administered by the Board, and shall cease either temporarily or permanently to be a national work.

Bridges which are national works.

(2) The cost of such maintenance, management, and administration shall be defrayed out of the Developmental Roads Fund.

- (b) by inserting in subsection four of section thirty after the word "moneys" the words "appropriated by Parliament prior to the first day of July, one thousand nine hundred and twenty-eight, or expended as part of the 1926-27 and 1927-28 Federal Aid Roads programmes."

Sec. 30.

(Assistance for developmental roads)

No. 15, 1929.

Further amend-
ment of Act No.
24, 1924.New Part
VIA.Application
of Part.Federal Aid
Roads Fund.

9. The Principal Act is further amended by inserting at the end of Part VI the following new Part :—

PART VIA.

FEDERAL AID ROADS AGREEMENT.

DIVISION I—*Application of Part.*

31A. This Part shall apply to all works carried out under the Federal Aid Roads Agreement, including works in the Western Division.

DIVISION II—*Federal Aid Roads Fund.**Receipts.*

31B. There shall be a Federal Aid Roads Fund consisting of—

- (a) the moneys paid to the State of New South Wales by the Government of the Commonwealth of Australia under the terms of the said agreement ;
- (b) such sums as may be appropriated by Parliament from revenue for Federal Aid Roads subsidy ;
- (c) loans raised under any Loan Act and appropriated by Parliament for Federal Aid Roads subsidy ;
- (d) moneys transferred from the county of Cumberland Main Roads Fund ;
- (e) moneys transferred from the Country Main Roads Fund ;
- (f) contributions by councils towards Federal Aid Road work on country main roads ;
- (g) a sum not less than twenty thousand pounds to be appropriated by Parliament each year for eight years commencing the first day of July, one thousand nine hundred and twenty-eight, for Western Division roads subsidy.

Expenditure

Expenditure.

31c. (1) The Federal Aid Roads Fund shall be used by the Board for the permanent improvement of roads included in the Federal Aid Roads programme in any part of the State, including the Western Division, and for a proportion of the salaries and expenses of the Board and its staff and of any additional administrative expenses either of the Board or of councils to whom grants are made from the Federal Aid Roads Funds as provided in the Federal Aid Roads agreement.

Application
of Fund.

(2) The Board shall pay to the Minister for Public Works from the Federal Aid Roads Fund for the construction of roads in the Western Division (excluding any part of the municipalities of Balranald and Hillston) the sum of seventy thousand pounds annually for a period of nine years commencing at first day of July, one thousand nine hundred and twenty-seven.

Federal aid road works.

31d. (1) The whole of the works carried out in the Eastern and Central Divisions of the State shall be carried out in accordance with and subject to the appropriate provisions of other Parts of this Act, as they relate to contributions by and assistance to councils and the carrying out of works, according to whether the works are on State highways, trunk roads, ordinary main roads, or developmental roads or in or outside the county of Cumberland, and the conditions of maintenance which apply to trunk roads, and to ordinary main roads outside the county of Cumberland, and to developmental roads generally, shall apply to all works carried out on such roads.

Carrying out
of works.

(2) In connection with work done in the Western Division under the Federal Aid Roads Agreement—

(a) the Under-Secretary for Public Works shall submit to the Board the necessary statements, drawings, specifications, estimates, certificates, and any other information which may

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be necessary for inclusion by the Board in its proposals to the Minister for programmes under that Act ;

- (b) the Under-Secretary for Public Works shall submit to the Board such details and certificates of any expenditure as may be required by the Commonwealth Government under the Federal Aid Roads Agreement ;
- (c) the responsibility for ensuring that the works done are satisfactorily carried out shall rest with the Minister for Public Works.

10. The Principal Act is further amended—

- (a) by inserting in subsection one of section thirty-two after the word “main” the word “secondary” ;

- (b) by inserting at the end of section thirty-three the following new subsection :—

(3) Where a country main road passes through a city or town, any works for the construction or maintenance of the carriage-way shall, except in special cases approved by the Board, be limited to those which are necessary to provide a total width of road pavement of twenty feet.

- (c) by inserting at the end of section thirty-nine the following new subsection :—

(6) Where any sign or hoarding has been erected within the limits of any main road, whether with the permission of the council or not, the Board may, in any case where in the opinion of the Board the sign or hoarding is prejudicial to the safety of the travelling public direct the person responsible for its erection to remove it forthwith or within such period as the Board may fix, and such removal shall be done at the expense of the said person.

11. The Principal Act is further amended—

- (a) (i) by omitting from paragraph (b) of subsection one of section forty-four the words “Part V” and by inserting in lieu thereof the words “section twenty-six” ;

(ii)

Further amendment of Act No. 24, 1924.

Sec. 32.
(When Board may do work.)

Sec. 33.
(What works may be carried out.)

Sec. 39.
(Control of main roads.)

Further amendment of Act No. 24, 1924.
Sec. 44.

- (ii) by omitting paragraph (c) of the same subsection; No. 15, 1929.
- (iii) by inserting at the end of the same subsection the following words: "Where any council has informed the Board in writing that it concurs in the proposal no such notice shall be necessary."

- (b) by omitting section forty-six and by inserting in lieu thereof the following section:— Sec. 46.

46. (1) Where any matter or thing is by or under this Act directed or forbidden to be done or where the Board is authorised by this Act to direct any matter or thing to be done or to forbid any matter or thing to be done and such matter or thing if so directed to be done remains undone or if so forbidden to be done is done, then in every such case every person (including a council) offending against such direction or prohibition shall be guilty of an offence under this Act. Enforcement of Act. cf secs. 632 and 633 of L.G. Act No. 41, 1919.

(2) The Board may at its discretion prior or subsequently to or in lieu of prosecuting for such offence do any such matter or thing and recover the costs and expenses thereof from such person in any court of competent jurisdiction.

(3) Each person guilty of an offence under this Act shall for every such offence be liable to the penalty expressly imposed, and if no penalty is so imposed, to a penalty not exceeding fifty pounds and to a further daily penalty not exceeding two pounds, and such penalty may be recovered by the Board.

(4) All costs, charges, expenses, or penalties recovered by the Board under this section shall be paid into the appropriate Main Roads Fund.

- (c) by omitting subsection one of section forty-nine and by inserting in lieu thereof the following new subsection:— Sec. 49 (1).

(1) The Governor may, on the application of the Board, resume or appropriate land for the purpose of this Act, and may by proclamation vest Resumption of land.

No. 15, 1929.

vest the whole or part of such land in the Board, and may by the same or any subsequent proclamation declare the whole or part of such land to be a public road or public reserve, and may, if the Board so recommends, place it under the control of the council.

Such resumption or appropriation may be made in accordance with the provisions of the Public Works Act, 1912 (and any Acts amending that Act), *mutatis mutandis*, and for that purpose the Board shall be the "Constructing Authority," and shall take the place of the Minister for Public Works: Provided that it shall not be compulsory for the Board to take the whole of any parcel of vacant land in a case where the Board requires a portion only, except where the residue so left would be less in area than is required by the council for a building allotment and the owner so desires.

(d) By adding at the end of section fifty-three the following new subsections:—

Botany
Road.

(7) Upon such suspension the care, control and management of the Botany Road shall, subject to this Act, revert to the councils of the areas through which the road passes as if the Botany Road Trust Constitution Act, 1922, had not been passed.

(8) Upon such suspension all assets and liabilities of the Botany Road Trust shall be assets and liabilities of the Board, and all debts due to the Trust may be collected and recovered by the Board as debts due to it.

Further amend-
ment of Act,
No. 24, 1924.
New ss. 55, 56,
57, 58, 59, 60,
61.

Old
agreements
transferred
to Board.

12. The Principal Act is further amended by inserting after section fifty-four the following new sections:—

(55) In any agreement made between the Minister and any council, before the commencement of this Act, in relation to the repayment by the council of moneys provided by the Government for the improvement of roads which are now country main roads or developmental roads, the Board shall
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be deemed to be and to have been substituted for the Minister, and any moneys repaid by the council under the agreement shall be paid into the appropriate fund under this Act.

No. 15, 1929.

56. The payment to councils by the Board from the Developmental Roads Fund of moneys in respect of grants allotted before the commencement of this Act from Commonwealth and State votes for roads of a developmental character, but not proclaimed to be developmental roads, is hereby validated.

Validation of payments, past Commonwealth-State grants.

57. The action of the Minister for Local Government in writing off the debt of the council of the municipality of Granville under the agreement of the fifteenth day of January, one thousand nine hundred and twenty-five, between that council and the said Minister relating to the reconditioning of Parramatta Road, is hereby validated, and section thirteen of this Act shall be deemed to extend to such debt.

Granville adjustment.

58. The levying by the Bulli Shire Council in the year one thousand nine hundred and twenty-six of a local rate in Riding C of the shire to make a contribution to the Board towards the cost of reconstruction of Prince's Highway is hereby validated.

Bulli adjustment.

59. There shall be paid by the Treasurer to the County of Cumberland Main Roads Fund, the Country Main Roads Fund, and the Federal Aid Roads Fund interest at such rate per centum per annum as shall be agreed upon by the Treasurer and the Board on the monthly balance of each fund held in the Treasurer's Special Deposits Account.

Treasurer to pay interest on balances.

60. (1) The Board may, with the approval of the Governor, levy tolls and charges in connection with traffic across any bridge or ferry which may be constructed or established under the provisions of this Act upon any metropolitan main road or Country State highway.

Power to establish toll bridges and ferries.

(2) The Board may lease the running of any such ferry and the collection of tolls and charges on any such bridge or ferry by public tender on such terms as the Board may decide.

(3)

No. 15, 1929.

(3) All moneys received from tolls or charges collected or from the leasing of any ferry shall be paid into the appropriate Main Roads Fund.

(4) (a) Upon the recommendation of the Board ordinances may be made under the Local Government Act, 1919, for and with respect to—

- (i) the fixing of the amounts of the tolls and charges to be imposed by the Board or by any lessee acting under agreement with the Board;
- (ii) the control, management, maintenance and protection of the bridge or ferry;
- (iii) the regulation, restriction or suspension of the use by the public of the bridge or ferry.

(b) The provisions of sections five hundred and seventy-five to five hundred and seventy-nine of the Local Government Act, 1919, both inclusive, shall, mutatis mutandis, apply to ordinances made as aforesaid.

Re-establishment of resumed buildings.

61. (1) Where for the purposes of widening a main road a part only of any house, factory, or other building is resumed, appropriated, or purchased by the Board, the owner thereof at the time of such resumption, appropriation, or purchase, shall be entitled to make any replacements, alterations, and extensions to the house, factory, or building in materials similar to and of the quality of the materials of the several parts replaced, altered, or extended, and so far as the class or quality of such materials is concerned, the provisions of the Local Government Act, 1919, and any ordinances thereunder with regard to buildings and any building regulations of the council in whose area such resumption, appropriation, or purchase has been made shall not apply, provided that—

- (a) such action shall be limited to the re-establishment of accommodation not greater than that which existed prior to the resumption, appropriation, or purchase; and
- (b) the owner shall not be entitled to take advantage of this subsection for the purpose of rebuilding any house, factory, or building which has been entirely demolished.

(2) Where for the purpose of widening a main road, the whole of any house, factory, or other building is resumed, appropriated, or purchased by the Board, and if in the opinion of the Board it is necessary to demolish a part thereof only, the Board may—

No. 15, 1929.

(a) arrange such demolition and make such alterations or extensions to the residue as it thinks fit, the provisions of the Local Government Act, 1919, and any ordinances thereunder, or any building regulations of the council notwithstanding;

(b) sell any residue not required for road purposes, either with or without the condition that the purchaser shall remove from the land required for road purposes the portion of the house, factory, or building thereon, and the purchaser shall be entitled to make any replacement, alteration, or extension to the residue in the same manner as if an owner from whom the land was resumed, appropriated, or purchased.

62. If any council fails to make any contribution under this Act on the due date or fails to pay on the due date any instalment in pursuance of any agreement made under this Act, such contribution or instalment shall from and after the due date for payment thereof bear interest at the rate of six per centum per annum, and such interest shall be considered as accruing from day to day: Provided that the Board may in any case remit the payment of such interest wholly or in part or may grant an extension of time for the payment of all or any part of such interest.

Interest on amounts owing to the Board.

13. The Local Government Act, 1919, as amended by subsequent Acts, is amended—

Amendment of Act No. 41, 1919. Sec. 181c.

(a) (i) by inserting at the end of subsection one of section 181c the following words:—

Provided that the Governor's approval under this section shall not be given to any further loans after the thirtieth day of June, one thousand nine hundred and thirty;

(ii)

No. 15, 1929.

- (ii) by inserting after subsection four of the same section the following new subsection:—

(4A) Where the construction of the main road is carried out by the Main Roads Board of New South Wales, the moneys from such loan shall be paid into the County of Cumberland Main Roads Fund.

(4B) Any such loan may be repaid by the Main Roads Board of New South Wales direct to the lender;

Sec. 183.

- (b) by inserting at the commencement of subsection one of section one hundred and eighty-three the words "subject to the provisions of this Act."